THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) Rules do not prohibit change of inquiry officers by the disciplinary authority on valid grounds including allegations of bias against the inquiry officers.

(b) As per the existing instructions wherever an application is moved by a Government servant against whom disciplinary proceedings are initiated under the Central Civil Services (Classification, Control and Appeal) Rules, 1965, against the inquiry officer on grounds of bias, the proceeding should be stayed and the application referred, alongwith the relevant material, to the appropriate reviewing authority for considering the application and passing appropriate orders thereon.

(c) There is no provision for appeal against an order appointing a person as inquiry officer in a disciplinary proceeding. However, such an order can be reviewed by the reviewing authority as stated against (b) above.

Stay on Departmental Inquiry

1727. SHRI GAYA SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that there is some provisions for staying departmental inquiry proceedings if and when the charged official makes written allegations of prejudice/bias against inquiry officers;

(b) if so, the details thereof; and

(c) what are the prescribed remedies against non-observance of staying provisions by the inquiry officers/disciplinary authorities?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) and (b) As per the existing instructions wherever an application is moved by a Government servant against whom disciplinary proceedings are initiated under the Central Civil Services (Classification, Control and Appeal) Rules, 1965, against the inquiry officer on grounds of bias, the proceedings should be stayed and the application referred, alongwith the relevant material, to the appropriate reviewing authority for considering the application and passing appropriate orders thereon.

(c) The employee concerned can raise the question of non-observance of instructions for staying the proceedings in his submission

to the disciplinary authority, or appellate authority or before the Courts of Law, if he so desires.

Ban on Strikes

†1728. SHRI MUNAVVAR HASAN: Will the PRIME MINISTER be pleased to state:

(a) whether strike in Government Departments or Departments funded by Government has been banned totally;

(b) whether in some Departments the services of the striking employees are terminated with *malafide* intention whereas in some Departments no such action is taken;

(c) whether some Departments have punished the employees in case they go on strike without prior permission;

(d) the number of the strikes observed during the last three years alongwith the names of the concerned Departments which permitted these strikes; and

(e) the legal validity of such punishment and the above two different types of the decisions?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) to (e) The Service Conduct Rules prohibit a Government servant from resorting to or abetting any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Government servant. Apart from the disabilities enumerated under Fundamental Rule, Pension Rules, etc, a Government servant who resorts to action of the above kind is also liable to disciplinary action under the relevant Service Rules.

In the case of employees to whom the Industrial Disputes Act, 1947 is also applicable the provisions of the Act and the various judicial pronouncements made thereunder are kept in view while taking action against them for resorting to or abetting any strike.

Disciplinary authorities at various levels in different Ministries/ Departments/Offices are competent to take disciplinary action against employees who take part in a strike. The nature of punishment whould vary

†Original notice of the question was received in Hindi.